



PREMIER OF MANITOBA

Legislative Building
Winnipeg, Manitoba, CANADA
R3C 0V8

October 12, 2000

The Honorable Edward T. Schafer
Governor of North Dakota
Office of the Governor
600 E. Boulevard Avenue
Bismarck, North Dakota 58505-0001

Fax No.: (701) 328-2205

Dear Governor Schafer:

Thank you for your letter of October 4, 2000 inviting Manitoba to partner in North Dakota's environmental review of the Devils Lake Temporary Emergency Outlet Project.

Although we appreciate the invitation and will continue to work with North Dakota on this issue, we must respectfully decline your offer for reasons we have discussed on a number of occasions.

As you are aware, the Government of Canada and the Province of Manitoba have clearly stated our shared positions with respect to any proposal for a Devils Lake Outlet. The main elements of that position are:

- Any Devils Lake outlet project represents a diversion of water between unconnected drainage basins and therefore has potential to harm Canadian waters. Therefore any such project must be demonstrated to comply with the Boundary Waters Treaty of 1909 between our two countries.
- Only our federal governments can determine compliance with the treaty. No project which has potential for violating the treaty can proceed without the oversight of the federal government of the country in which that project occurs.

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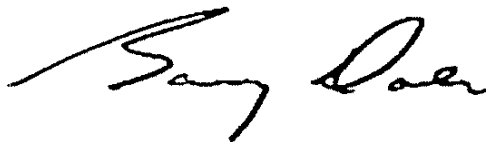
- The Government of the United States has determined that a Devils Lake outlet project must comply with the provisions of the National Environmental Policy Act, as one step towards determining treaty compliance. We fully support this approach.
- The NEPA process is legislated, and has standards which can be used to test the thoroughness of the process. If there are outstanding issues between the two national governments after the domestic process in the United States has been completed, the International Joint Commission is available to the governments for advice respecting the Boundary Waters Treaty.

The environmental review process which has been suggested for the Temporary Emergency Outlet Project is not consistent with these positions. We could not agree with, let alone participate formally in, any process that could disregard or circumvent the country-to-country obligations of our two national governments under the Boundary Waters Treaty. In our view, the suggested process would appear to raise questions about mandates and/or objective standards of process or substance, and would appear to supplant a vital step in your federal government's discharging of its responsibilities under the Boundary Waters Treaty.

We have now had several occasions, in person and by telephone, to exchange views on Devils Lake flooding. You know we feel deeply about the situation faced by the people of Devils Lake. We have been heartened by the fact that lake levels have not risen this summer in spite of several heavy rains in the basin. However, we also remain genuinely alarmed about the potential harm that water transfers from Devils Lake could have on our water, and the industries and ways of life it supports. You have also made your views very clear to us, namely that this project should proceed even if the lake recedes, and perhaps even if an objective assessment confirms that there are significant risks to Manitoba, or the State of Minnesota.

While we must continue to agree to disagree on the merits and risks of this and other Devils Lake outlet projects which would transfer water into the Red River, I believe it is essential that we maintain our dialogue on this issue and appreciate that this is the spirit in which you have extended your invitation.

Sincerely,



Gary Doer

cc: Hon. Lloyd Axworthy